

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GIRAFA.COM, Inc,

Plaintiff,

v.

C.A. No. 07-787

Amazon Web Services LLC,
Amazon.com, Inc.,
Alexa Internet, Inc.,
IAC Search & Media, Inc.,
Snap Technologies, Inc.,
Yahoo! Inc.,
Smartdevil Inc.,
Exalead, Inc., and
Exalead S.A,

Defendants.

**DECLARATION OF JOHN F. RABENA, ESQ.
IN SUPPORT OF GIRAFA.COM, INC.'S OPPOSITION TO
DEFENDANTS' MOTION FOR LEAVE TO FILE SURREPLY**

I, John F. Rabena, hereby declare:

1. I am one of the attorneys representing Plaintiff Girafa.com Inc., in this case.
2. Exhibit 1 is a true and correct copy of a letter from Stephen Lim to the U.S. Patent Office dated September 20, 2003, from the file history of U.S. Patent No. 7,047,502.
3. Exhibit 2 is a true and correct copy of the result of a search for <http://www.mobileipv6.net/~sschmid/publications.shtml> conducted on the Internet Archive WaybackMachine (www.internetarchive.org).

4. Exhibit 3 is a true and correct copy of the result of a search for <http://citeseer.nj.nec.com/428225.html> conducted on the Internet Archive WaybackMachine (www.internetarchive.org).
5. Exhibit 4 is a true and correct copy of emails from defendants' counsel in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 31, 2008

Respectfully submitted,


John F. Rabena

EXHIBIT 1

9/20/2003 3:52 PM FROM: Fax TO: 1-703-746-7239 PAGE: 002 OF 014

#6
9-30-03
B. Hillard2156 Rousseau
Lasalle, Quebec,
Canada H8N 1K7
Fax: 514-366-2585
Tel: 514-366-4040RECEIVED
CENTRAL FAX CENTERU.S. Patent Office for Communication
Fax: 703-746-7239SEP 23 2003
September 20, 2003

Attn. Submission of prior art evidences against patent application 09/961,465

To Whom It May Concern:

Unofficial

Please find enclosed two (2) published documents and one (1) reference to an approved U.S. patent as evidences of prior art against U.S. patent application no. 09/961,465 (Pub. no. US 2003/0146939A1) entitled "Methods and Apparatus for Mouse-Over Preview of Contextually Relevant Information". Please include all enclosed evidences for patent examination including this page.

Published: s: n lo

sh Document (e c sed)

An 1. **Web Representation with Dynamic Thumbnails.**

Author: Stefan Schmid (sschmid@mobileipv6.net)
Address: Department of Distributed Systems, University of Ulm, Germany.
First publication: IEEE YUFORIC, Stuttgart, Germany, July 1998
Available at: <http://www.mobileipv6.net/~sschmid/publications.shtml>
<http://citeseer.nj.nec.com/428225.html>

An 2. **Visual Preview for Link Traversal on the World Wide Web.**

Authors: Theodorich Kopetzky (theo@tk.uni-linz.ac.at), Max Mühlhäuser (max@tk.uni-linz.ac.at)
Location: Telecooperation Dept., Johannes Kepler University Linz, Altenbergerstrasse, Linz, Austria.
First publication: The Eighth International World Wide Web Conference, 1999.
Available at: <http://www8.org/fullpaper.html> <http://decweb.ethz.ch/WWW8/data/2176/pdf/pd1.pdf>

U.S. Patent reference:

S (by r e r o 'y)

An 1. **Graphical Search Engine Visual Index.**

Inventors: James Lee Finseth, Jerry Hermel, Bryan F. Pelz.
Patent no.: US 6,271,840 B1.
Date of Patent: Aug. 7, 2001 Filed: Sept. 24, 1998

Sincerely,

Stephen Lim

Examine Signature

Ash T. Nguyen

Date Considered 4/19/04

EXHIBIT 2

Enter Web Address

All ▾

Take Me Back

[Adv Search](#) [Compare Archive Pages](#)Searched for <http://www.mobileipv6.net/~sschmid/publications.shtml>

10 Results

* denotes when site was updated.

Material typically becomes available here 6 months after collection. [See FAQ](#)**Search Results for Jan 01, 1996 - Feb 01, 2008**

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
0	0	0	0	0	0	0	2 pages	6 pages	2 pages	0	0	0
pages	pages	pages	pages	pages	pages	pages				pages	pages	pages

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[Dec 04 2003](#) * [Apr 15 2004](#) * [Feb 13 2005](#) *
[Jun 15 2004](#) *
[Aug 05 2004](#) *
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[Dec 07 2004](#) *

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EXHIBIT 3

Enter Web Address. All [Adv. Search](#) [Compare Archive Pages](#)Searched for <http://citeseer.nj.nec.com/428225.html>

2 Results

* denotes when site was updated.

Material typically becomes available here 6 months after collection. [See FAQ](#)**Search Results for Jan 01, 1996 - Feb 01, 2008**

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
0	0	0	0	0	0	1 pages	1 pages	0	0	0	0	0
pages	pages	pages	pages	pages	pages			pages	pages	pages	pages	pages
							Jan 10, 2002 * Jan 15, 2003 *					

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EXHIBIT 4

From: Baker, Melinda S [mbaker@potteranderson.com]

Sent: Tuesday, July 15, 2008 11:39 AM

To: 'sbalick@ashby-geddes.com'; 'jday@ashby-geddes.com'; 'tlydon@ashby-geddes.com'; Mandir, William H.; Rabena, John F.; Hill, Trevor C.; Iyer, Chandran B.; 'gaza@rjf.com'; 'moyer@rjf.com'; 'antoniosistos@quinnemanuel.com'; 'jenniferkash@quinnemanuel.com'; 'claudestern@quinnemanuel.com'; 'aconnollyIII@cbth.com'; 'dan@cislo.com'; 'mnielsen@cislo.com'; 'jhlim@smartdevil.com'; 'tgrimm@mnat.com'; 'dallaband@mnat.com'; 'hjohnson@usebrinks.com'; 'stimmerman@usebrinks.com'; 'JBlumenfeld@MNAT.com'; 'dberry@mnat.com'; 'rsmith@mnat.com'; 'matthew.powers@weil.com'; 'doug.lumish@weil.com'

Subject: Girafa.com, Inc. v. Amazon Web Services LLC, et al (C.A. No. 07-787-SLR)

Attached is your service copy of the following document filed and/or served today in the above-referenced action:

- Motion for Leave to File Surreply in Response to Girafa.com, Inc.'s Reply Brief in Support of Its Motion For Preliminary Injunction.



Melinda S. Baker
 Secretary to Richard L. Horwitz
 1313 North Market Street
 P.O. Box 951
 Wilmington, DE 19899-0951
 302 984 6251 Direct Dial
 302 658 1192 Fax
mbaker@potteranderson.com
www.potteranderson.com

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7/25/200

From: Reginald B. Flowers [RFlowers@cbll.com]
Sent: Tuesday, July 22, 2008 6:05 PM
To: Alison Monahan; Antonio Sistos; Claude Stern; David E. Moore; David Wer
doug.lumish@weil.com; Harold V. Johnson; Jeffrey L. Moyer; Jennifer A. Kash; Rabena, John
F.; M. Elizabeth Day; Jack Blumenfeld; Matthew D. Powers; Richard Horwitz; Roger D. Smith;
Steven J. Balick; Terri Mickles; Thomas C. Grimm; Tom Pasternak;
stimmerman@usebrinks.com; Iyer, Chandran B.; tlydon@ashby-geddes.com; jday@ashby-
geddes.com; Hill, Trevor C.; dallaband@mnat.com; Mandir William H.; jhlum@smartdevil.com
Cc: Chip Connolly; dan@cisló.com; mnielsen@cisló.com
Subject: Girafa.com, Inc. v. Amazon Web Services LLC, et al (C.A. No. 07-787-SLR)



072208 Snap Letter
to The Hon.

Ladies and Gentlemen:

Attached is your service copy of the following document filed and/or served today in the
above-referenced action:

* Letter to Judge Robinson from Chip Connolly, III requesting oral
argument.

Regards,

Reginald

Connolly Bove Lodge & Hutz LLP
1007 North Orange Street
The Nemours Building
Wilmington, DE 19899
302-888-6315 Direct Dial
302-255-4315 Fax

This e-mail and any attachment is intended only for use by the addressee(s) and may
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recommend to another party any transaction or matter add essed herein.

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From: Mark D. Nielsen [mnielsen@cislo.com]

Sent: Tuesday, May 20, 2008 1:11 PM

To: Rabena, John F.

Cc: 'David Wei Jr.'; doug.lumish@weil.com; 'Lundell, Greg'; aconnollylll@cblh.com; anagilestad@idealab.com; 'Antonio Sistos'; 'Claude M. Stern' DAllaband@mnat.com; 'Donoghue, R. David'; 'Demescha King'; douglas@idealab.com; gaza@rlf.com; hjohnson@usebrinks.com; jhlim@smartdevil.com; moyer@rlf.com; rhorwitz@potteranderson.com; 'Sandra Nichols'; stimmerman@brinkshofer.com tgrimm@mnat.com; 'Pasternak, Thomas'; stephen@smartdevil.com; dmoore@potteranderson.com; 'Jennifer A Kash'; 'Day, Elizabeth'; 'Terri Mickles'; 'Alison Monahan'

Subject: Deposition Scheduling

Dear John,

Based on the current schedules of Snap's non-expert witnesses, Prof. Robins, Prof. Hardin, and counsel, we (Snap and the Amazon Defendants) suggest the following deposition scheduling over the next few weeks

- (1) Snap's non-infringement expert, Prof. Robins, will be made available for deposition at DLA Piper's office in Washington, DC on Friday, May 30, 2008
- (2) Snap's and the Amazon Defendants' invalidity expert Prof. Hardin, will be made available for deposition in Toronto, Canada on June 5, 2008

- (3) Snap's non-expert witnesses Mr. McGovern and Mr. Agostino, are available for deposition at Cislo & Thomas' office in Santa Monica, CA as follows

June 2 - afternoon for Mr. Agostino

June 4 - all day for Mr. Agostino and/or Mr. McGovern

June 5 - all day for Mr. Agostino and/or Mr. McGovern

June 6 - all day for Mr. Agostino

- (4) The availability of Alexa's non-expert witness, Mr. Orelind, is presently being ascertained and will be provided shortly either by me or Alexa's counsel.

Please be advised that Mr. Agostino is on call for jury duty over the next few weeks and if he is put on a lengthy trial, accommodations will have to be made.

I am not sure you will need more than a half-day with either Mr. Agostino or Mr. McGovern. Nonetheless, please confirm ASAP how much time you may need with each and the dates and times for their depositions.

Also, please provide an estimate of how much time you may need with Mr. Orelind for planning purposes.

Thank you,

Mark D. Nielsen, Esq.

(310) 451-0647 -- ext. 124

(310) 394-4477 -- facsimile

mnielsen@cislo.com -- email

CISLO & THOMAS LLP

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Santa Monica, CA 90401-4110

<http://www.cislo.com>

Procurement and Enforcement of Intellectual Property

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7/25/2008

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